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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,432	03/24/2004	Tadashi Yoshida	1341.1197	4260

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/807,432

Applicant(s)

YOSHIDA ET AL.

Examiner

Nam Huynh

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 5, 7, 9, 11, 13, 15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 7, 9, 11, 13, 15, 17, and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to Amendment filed on 4/4/2006. Of the original claims 1-20, claims 2, 4, 6, 8, 10, 12, 14, and 16 have been cancelled and 1, 3, 5, 7, 9, 11, 13, 15, 17, and 18-20 have been amended.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 3, 5, 7, 9, 11, 13, 15, 17, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranganath et al. (US 2001/0037245) in view of Duphily (US 2005/0033645), and in further view of Villaret et al. (US 2002/0026367).

A. Regarding claims 1, 9, 17, and 20, Ranganath et al. discloses an e-commerce system and method and apparatus for order processing and inventory management (title) that comprises the following:

- A point of sale device (salesperson terminal), which can easily be used by a retailer or employee (salesperson), includes an interface to connect to the Internet and can be used to access an Internet shop server (page 1, paragraph 12). The point of sale device also comprises a keypad and a display that would allow a retailer or employee to enter an amount (page 2, paragraph 24).
- A consumer Internet appliance (mobile terminal) that is capable of being used to access a server across a network (page 3, paragraph 31).
- An Internet shop server (electronic payment support apparatus) that is connected to the point of sale device via an application server (page 2, paragraph 25).

Since these two devices are connected and communicate with one another, the Internet shop server can receive an amount or any type of data from the point of sale device. The Internet shop server comprises two communication interfaces (communication controllers) (figure 1, items 108, 110). One communication interface (item 110) is used to communicate with a consumer Internet appliance and the other (item 108) is used for communication with the point of sale device via an application server. The combination of both communications interfaces renders the first communication controller. The Internet shop server further comprises memory that defines the details of one or more shop web sites (cashiers), for one or more retailers in which one point of sale device is associated with each shop web site (a plurality of store sites, each of the store sites includes a plurality of cashiers, each of the cashiers is associated with each salesperson) (page 3, paragraph 33).

- An Internet (first and second Internet) (figure 1, item 103) in which the consumer Internet appliance and point of sale terminal communicates with the Internet shop server (figure 1, item 103) therefore giving access to both the point of sale device and the consumer Internet appliance (accessed by the customer mobile terminal and salesperson terminal respectively).

Ranganath et al. does not explicitly disclose that the consumer Internet appliance registers at the website an electronic payment method nor does the reference indicate a portal site having a function of a gateway as an entrance to the plurality of store sites. Duphily discloses a virtual cashier that comprises an apparatus (virtual cashier stand-alone interface device) that can accept cash or other forms of payment that can be then transferred via an Internet site (abstract). The invention further comprises a Virtual Cash Wireless Portal Access or Internet portal website that links together participating merchants (page 3, paragraphs 53, 58). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the various methods of payment, as taught by Duphily, in order to allow a consumer to purchase goods and services through the Internet. By giving a consumer a wide variety of payment methods to redeem desired services or goods, such as cash or prepaid electronic payment cards, the consumer is able to shop or make other payments through the Internet without disclosing information contained on credit cards, debit cards, or other financial or personal identifying information, therefore protecting his/her identity.

The combination of Ranganath et al. and Duphily does not explicitly disclose an external payment system and a second communication controller that controls access to it. Villaret et al. discloses a method and system for delivering products and services to a point of sale location that comprises an electronic funds transaction point of sale (EFTPOS) terminal comprises a communication interface (second communication controller) that is linked to a financial DPS (external payment system) that securely processes payments (page 2, paragraphs 24-25). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Rananath et al. and Duphily to include an external payment system, as taught by Villaret et al., in order to process payments. This modification would add a high level of security required by financial institutions to the system and the server would save processing resources by not having to process payments.

B. Regarding claims 3, 11, and 18, the limitations are rejected as applied to claim 1. Furthermore Ranganath et al. discloses that the retailer can use the point of sale device to show orders and can select an order for processing (page 2, paragraph 28).

C. Regarding claims 5, 13, and 19, the limitations are rejected as applied to claim 3. Furthermore Ranganath et al. discloses that the retailer can change shop specific information like the time of operation (pre-registered schedule), reservation, shipping, and delivery service (page 2, paragraph 15).

D. Regarding claims 7 and 15, the limitations are rejected as applied to claim 1. Furthermore, Duphily discloses that the Virtual Cashier Interface Device may have a

mechanism to allow information contained in bar codes scanned into the machine and the information read and transmitted over the Internet (page 4, paragraph 59).

***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3, 5, 7, 9, 11, 13, 15, and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH  
6/28/06

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER